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9

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16 NOV 2006

In re Application of :
Hawkins et al. :
Application No.: 10/524,446 : DECISION
PCT No.: PCT/US03/03605 :
Int. Filing Date: 07 February 2003 : ON
Priority Date: 07 February 2003 :
Attorney Docket No.: AQU1.PAU.01 : PETITION
For: Irrigation Connectors :

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 31 October 2006.

DISCUSSION

In a decision mailed on 31 August 2006, the petition under 37 CFR 1.47(a) filed on 13 July 2006 was dismissed without prejudice because

Regarding requirement (2), counsel has presented copies of correspondence sent to Mr. Miyasato, including a certified letter sent to him at his last known address along with a copy of the application and declaration; this parcel was returned to sender as "unclaimed," as shown by the submitted photocopy of the envelope. Petitioner has also presented a print-out of an msn White Pages search and a print-out of an Intelius "People Search Report" for Mr. Miyasato. Further, petitioner has provided copies of a letter enclosing a complete copy of the application and a declaration, and sent to three of the four additional addresses listed on the Intelius search, as well as to 841 El Mirador Drive in Fullerton, CA. However, there does not appear to be any showing that petitioner attempted to contact Mr. Miyasato at the remaining Intelius address, "40 E. CTR #207" in Anaheim, CA. Petitioner emphasizes that "the question may be more whether Miyasato can be found at all than whether he refuses to sign." In the absence of a showing of an effort to contact Mr. Miyasato at the "40 E. CTR #207" address, it remains possible that he is in fact located at that address and would be willing to sign the declaration if it were presented to him there along with a copy of the application papers. Therefore, it would not be appropriate to conclude at this time that he is unavailable within the meaning of 37 CFR 1.47(a).

Regarding requirement (4), the declaration filed on 13 July 2006 is defective because it appears to have been compiled by assembling individual sheets from multiple declaration documents. Thus, it is not clear whether each signatory executed a complete copy of the declaration.

In response, petitioner states that "the Applicants mailed on Aug. 14, 2006 a Supplement to the Renewed Petition which included the signed declaration of inventorship and power of attorney by Wayne Miyasato, thereby rendering the consideration of the renewed petition moot on other grounds." Inspection of the paper application file and of the corresponding IFW database

record reveals that no evidence of a declaration filed on 14 August 2006 is present at this time. However, the instant renewed petition is accompanied by a declaration document nominating and executed by Stanley E. Hawkins, James A. Matlock, and Wayne Miyasato (whose signature is dated "October 20, 2006"). This declaration is in compliance with 37 CFR 1.497(a) and (b). Therefore, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **31 October 2006**.



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